IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 3536 of 2007(U)

PETITIONER:

A.K. ABDULLA, S/O.MOIDU,
PONMERIPARAMBIL, VILLIAPPALLY,
KOZHIKODE DISTRICT.
WORKING AS PEON CUM MENIAL, BLOCK RESOURCE CENTRE,
THODANNUR.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE
SECRETARY, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. STATE PROJECT DIRECTOR,
SARVASIKSHA ABHIYAN, THIRUVANANTHAPURAM.

3. DISTRICT PROJECT OFFICER,
SARVASIKSHA ABHIYAN, KOZHIKODE.

4. BLOCK PROGRAMME OFFICER,
SARVASIKSHA ABHIYAN, BLOCK RESOURCE CENTRE,
THODANNUR, KOZHIKODE.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) Nos.3536 & 3553 OF 2007
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Dated this the 6th February, 2007

J U D G M E N T

The petitioners in these writ petitions are having identical nature of grievance, viz., that their services are proposed to be terminated without valid reason.

2. Ext. P1 is the order of appointment by the District Project Officer, Sarva Siksha Abhiyan, Kozhikode. That order was issued on 26-11-2003. In paragraph 2 of the appointment order the following terms and conditions have been specifically stated:

i) The appointment is purely temporary.

ii) For the work done, the petitioners will be entitled for a daily wage of Rs.120/-. If the petitioners' services are found not satisfactory, the District Project Officer will have the right to terminate the services without notice.

3. Relief prayed for by the petitioners include a writ of mandamus directing the respondents not to terminate the service of the petitioners.

4. Counsel for the petitioners contend that the

appointment of the petitioners cannot be traced to Rule 9(a)(1)of K.S. & S.S.R, and that being the position, the respondents cannot terminate the services on the expiry of any fixed period.

5. It is true that the appointment cannot be traced to Rule 9(a)(1) of K.S. & S.S.R., but that will not improve the case of the petitioners. The terms and conditions incorporated in Ext. P1 would show that they are more disadvantageous to them than an appointment made in terms of Rule 9(a)(1) of K.S. & S.S.R. Having accepted the employment based on the terms in Ext. P1, the petitioners cannot be heard to contend that they are not bound by the terms and conditions thereof. Since the petitioners have no legal right to continue in employment unlike those appointed to a post, these writ petitions are devoid of merit. Accordingly, they are dismissed.

K.K. DENESAN
JUDGE

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